

MONTANA LEGISLATIVE HISTORY

Chapter 146 1997

Bill H 550 S _____ Original bill & history ✓ C

H. Committee on State Admin.

Hearing Date(s) 2/18 ✓ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on State Admin.

Hearing Date(s) 3/11 ✓ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

3/25 SIGNED BY GOVERNOR
CHAPTER NUMBER 146
EFFECTIVE DATE: 10/01/97

HB 551 INTRODUCED BY GRINDE

LC1370 DRAFTER: ERICKSON

PROVIDE A PENALTY FOR INSTALLATION OR CONSTRUCTION OF A FACILITY OR STRUCTURE ON STATE TRUST LAND BY A PERSON OTHER THAN A LESSEE WITHOUT PERMISSION OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

2/14	INTRODUCED		
2/14	FIRST READING		
2/14	REFERRED TO NATURAL RESOURCES		
2/14	FISCAL NOTE REQUESTED		
2/18	FISCAL NOTE RECEIVED		
2/19	HEARING		
2/19	FISCAL NOTE PRINTED		
2/20	COMMITTEE REPORT—BILL PASSED		
2/21	2ND READING PASSED AS AMENDED	91	9
2/26	3RD READING PASSED	92	7
	TRANSMITTED TO SENATE		
3/28	FIRST READING		
3/28	REFERRED TO NATURAL RESOURCES		
4/07	HEARING		
4/10	COMMITTEE REPORT—BILL CONCURRED		
4/12	2ND READING CONCURRED	48	0
4/14	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE		
4/19	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 460		
	EFFECTIVE DATE: 07/01/97		

HB 552 INTRODUCED BY VICK

LC1008 DRAFTER: ERICKSON

ALLOW A NONPUBLIC SCHOOL STUDENT TO DUAL ENROLL IN A PUBLIC SCHOOL

2/14	INTRODUCED
2/14	FIRST READING
2/14	REFERRED TO EDUCATION & CULTURAL RESOURCES
2/14	FISCAL NOTE REQUESTED
2/17	HEARING
2/17	TABLED IN COMMITTEE
2/19	FISCAL NOTE RECEIVED
2/19	FISCAL NOTE PRINTED
2/27	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL
	DIED IN COMMITTEE

HB 553 INTRODUCED BY STOVALL, ET AL.

LC0136 DRAFTER: MACMASTER

PROVIDE THAT A PARTY IN CERTAIN ACTIONS AND PROCEEDINGS MUST BE AWARDED REASONABLE ATTORNEY FEES ON THE ISSUES ON WHICH THE PARTY PREVAILED

2/14	INTRODUCED
2/14	FIRST READING
2/14	REFERRED TO JUDICIARY
2/18	HEARING
2/19	FISCAL NOTE REQUESTED

4/17	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/18	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	31	15
4/19	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	39	9
4/22	SIGNED BY SPEAKER		
4/25	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 523		
	EFFECTIVE DATE: 10/01/97		

HB 548 INTRODUCED BY PROUSE, ET AL. *LC0881 DRAFTER: HEIMAN*

SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AMENDMENTS TO
THE MONTANA CONSTITUTION TO GENERALLY REVISE TAXATION BY
PROHIBITING THE TAXATION OF INCOME AND PROPERTY

2/13	INTRODUCED
2/13	FIRST READING
2/13	REFERRED TO TAXATION
3/04	HEARING
3/07	TABLED IN COMMITTEE
4/05	MISSED DEADLINE FOR 71ST DAY TRANSMITTAL
	DIED IN COMMITTEE

HB 549 INTRODUCED BY BERGSAGEL *LC0906 DRAFTER: EVERTS*

REQUIRE A COMPREHENSIVE REVIEW OF ELECTRICAL UTILITY INDUSTRY
RESTRUCTURING

2/13	INTRODUCED
2/13	FIRST READING
2/13	FISCAL NOTE REQUESTED
2/13	REFERRED TO APPROPRIATIONS
2/18	FISCAL NOTE RECEIVED
2/19	FISCAL NOTE PRINTED
4/07	HEARING
4/07	TABLED IN COMMITTEE
	DIED IN COMMITTEE

HB 550 INTRODUCED BY COCCHIARELLA *LC0285 DRAFTER: HEFFELFINGER*

REVISE AND CLARIFY WHAT ELECTIONS MAY BE CONDUCTED BY MAIL

2/13	INTRODUCED		
2/13	FIRST READING		
2/13	REFERRED TO STATE ADMINISTRATION		
2/18	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED	89	9
2/26	3RD READING PASSED	90	9
	TRANSMITTED TO SENATE		
3/04	FIRST READING		
3/04	REFERRED TO STATE ADMINISTRATION		
3/11	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED		
3/17	2ND READING CONCURRED	49	0
3/18	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/21	SIGNED BY PRESIDENT		
3/21	TRANSMITTED TO GOVERNOR		

- 146 (*House Bill No. 550; Cocchiarella*) AN ACT GENERALLY REVISING AND CLARIFYING WHAT ELECTIONS MAY BE CONDUCTED BY MAIL; AND AMENDING SECTIONS 13-19-102 AND 13-19-104, MCA. 732
- 147 (*Senate Bill No. 66; Benedict*) AN ACT CLARIFYING THAT STATE AND LOCAL GOVERNMENT AGENCIES MAY COOPERATIVELY PURCHASE BENEFIT SERVICES AND INSURANCE PRODUCTS TO PROVIDE EMPLOYEE GROUP BENEFITS; SPECIFYING PROCEDURES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 734
- 148 (*Senate Bill No. 104; Beck*) AN ACT AUTHORIZING THE DEPARTMENT OF COMMERCE TO REVIEW THE BOOKS AND AFFAIRS OF BANK HOLDING COMPANIES; AND AMENDING SECTION 32-1-220, MCA. 735
- 149 (*Senate Bill No. 142; Jabs*) AN ACT CLARIFYING THE PROCEDURE APPLICABLE TO THE APPEAL OF THE REVOCATION OF A SUSPENDED SENTENCE BY A JUSTICE'S COURT OR CITY COURT; AMENDING SECTION 46-17-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY PROVISION. 735
- 150 (*Senate Bill No. 158; Estrada*) AN ACT CLARIFYING THE LAWS RELATING TO THE QUALIFICATION OF SUBSTITUTES FOR JUSTICES OF THE PEACE; PROVIDING FOR THE FILING, WITH THE COUNTY CLERK, OF WRITTEN DOCUMENTATION CONCERNING THE QUALIFICATION OF SUBSTITUTES FOR JUSTICES OF THE PEACE; AMENDING SECTION 3-10-231, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 736
- 151 (*Senate Bill No. 192; Keating*) AN ACT ALLOWING, FOR A PERIOD OF 12 MONTHS FOR THE PURPOSE OF SELLING THE DENTAL PRACTICE, THE PERSONAL REPRESENTATIVE OF THE ESTATE OF A DECEASED DENTIST OR THE PERSONAL REPRESENTATIVE OF A DISABLED DENTIST TO CONTRACT WITH A DENTIST TO MANAGE AN ESTABLISHMENT WHERE DENTAL SERVICES ARE PROVIDED; PROHIBITING THE PERSONAL REPRESENTATIVE FROM GOVERNING OR INTERFERING WITH THE CLINICAL ASPECTS OF DENTAL PRACTICE; AMENDING SECTIONS 37-4-101, 37-4-102, 37-4-103, AND 37-4-327, MCA; AND PROVIDING AN APPLICABILITY DATE. 738
- 152 (*Senate Bill No. 197; Grosfield*) AN ACT CLARIFYING THE MONTANA ADMINISTRATIVE PROCEDURE ACT; PROVIDING MORE SPECIFIC STANDARDS FOR DETERMINING WHEN AUTHORITY EXISTS TO ADOPT A RULE AND FOR STATING THE REASONABLE NECESSITY FOR RULES; AND AMENDING SECTIONS 2-4-302 AND 2-4-305, MCA. 742
- 153 (*Senate Bill No. 370; Thomas*) AN ACT CLARIFYING THE PROVISIONS RELATING TO ARCHITECTURAL SERVICES TO ALLOW A SCHOOL DISTRICT TO DETERMINE WHETHER ARCHITECTURAL SERVICES ARE NECESSARY FOR THE BUILDING, FURNISHING, REPAIRING, OR COMPLETION OF OTHER WORK FOR THE BENEFIT OF THE SCHOOL DISTRICT; INCREASING THE LIMIT RELATING TO REQUIRED ARCHITECTURAL SERVICES; ELIMINATING NEGOTIATION FOR ARCHITECTURAL SERVICE FEES; AMENDING SECTIONS 20-6-631 AND 20-6-633, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 745
- 154 (*House Bill No. 110; Swanson*) AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF JUSTICE FOR TECHNICAL, LEGAL, AND ADMINISTRATIVE ACTIVITIES FOR THE STATE OF MONTANA

INTRODUCED BY Cochran ^{House} BILL NO. 550

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AND CLARIFYING WHAT ELECTIONS MAY BE CONDUCTED BY MAIL; AND AMENDING SECTIONS 13-19-102 AND 13-19-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-19-102, MCA, is amended to read:

"13-19-102. **Definitions.** As used in this chapter, the following definitions apply:

(1) "Election day" is the date established by law on which a particular election would be held if that election were being conducted by means other than a mail ballot election.

(2) "Mail ballot election" means any election ~~that involves either candidates or ballot issues and~~ is conducted by mail pursuant to 13-19-104 and in compliance with the procedure specified in 13-19-106.

(3) "Political subdivision" means a political subdivision of the state, including a school district.

(4) "Return/verification envelope" means an envelope that contains a secrecy envelope and ballot and ~~which~~ that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(5) "Secrecy envelope" means an envelope used to contain the elector's ballot and that is designed to conceal the elector's vote and to prevent that elector's ballot from being distinguished from the ballots of other electors."

Section 2. Section 13-19-104, MCA, is amended to read:

"13-19-104. **Mail ballot elections not mandatory -- when authorized -- when prohibited -- when** county election administrator conducts. (1) Conducting elections by mail ballot is only one option available to local officials, and ~~nothing in this chapter mandates~~ does not mandate that the procedure be used.

(2) ~~The following elections~~ Except as provided in subsection (3), any election may be conducted by mail ballot:

1 ~~(a) an election in a political subdivision required to hold annual elections under 13-1-107;~~
2 ~~(b) an election in a city of the third class, as defined in 7-1-4111(3), if all of the candidate~~
3 ~~names will appear on the ballot are candidates for offices to be elected without party designation;~~
4 ~~(c) an election in a town as defined in 7-1-4111(4);~~
5 ~~(d) an election conducted under 7-13-2236 in an unincorporated area; and~~
6 ~~(e) a special election called by a local government unit for the sole purpose of submitting~~
7 ~~more ballot issues to its qualified electors if such special election is not held in conjunction with a~~
8 ~~scheduled election.~~

9 (3) The following elections may not be conducted by mail ballot:

10 ~~(a) an election held for one of the purposes or at the time provided in 13-1-107(1);~~
11 ~~13-1-107(1);~~
12 ~~(b) an election held for one of the purposes or at the time provided in 13-1-107(2);~~
13 ~~13-1-107(2), except as specifically allowed by subsections (2)(b) and (2)(c) of this section;~~
14 ~~(c) an election being held under the provisions of the Montana Recall Act, in Title 2, chapter~~
15 ~~part 6;~~
16 ~~(d) an election involving candidates for public office, except as specifically allowed by subse~~
17 ~~(2)(a) through (2)(c) of this section; and~~
18 ~~(e) a special election being held in conjunction with a statutorily scheduled election a federal~~
19 ~~scheduled federal, state, or county election;~~
20 (b) a special federal or state election, unless authorized by the legislature; or
21 (c) a regularly scheduled or special election when another election in the political subdivision
22 taking place at the polls on the same day.
23 (4) If more than one mail ballot election is being conducted in the political subdivision on the
24 day, the county election administrator shall conduct the elections."

25 -END-

HOUSE STATE ADMINISTRATION

Page 6

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - - - - - REREFERRED - - - - - DATE READ

HB0527	RYAN, WILLIAM	AD HOC PERMANENT POSTRETIREMENT BENEFIT INCREASE FOR RETIRED FIREFIGHTERS	2/12	2/17	TABLED ON	3/21	VOTE: 10-6	
HB0534	WELLS, JACK	STATE LIABILITY TO INCLUDE INTEREST AND COSTS	2/12	2/18	PASS AS AMENDED	2/20	VOTE: 13-3	2/20
HB0550	COCCHIARELLA, VICKI	GENERALLY REVISING AND CLARIFYING WHAT ELECTIONS MAY BE CONDUCTED BY MAIL	2/13	2/18	DO PASS	2/18	VOTE: 16-0	2/20
HB0565	MENAHAN, RED	RETIREMENT INCENTIVE PROGRAM FOR MEMBERS OF PERS AND STATE TRS MEMBERS	2/15	2/19	TABLED ON	3/27	VOTE: 13-3	
HB0568	OHS, KARL	LEWIS & CLARK BICENTENNIAL COMMISSION	2/15	2/18	DO PASS	2/18	VOTE: 14-0	2/18
HB0569	SQUIRES, CAROLYN	ALLOW CERTAIN PERS FIREFIGHTERS TO REMAIN IN PERS INSTEAD TRANSFER TO FURS	2/15	2/19	DO PASS	2/20	VOTE: 16-0	2/20
HB0575	REHBEIN, WILLIAM	REVISE CAMPAIGN FINANCE LIMITS IMPOSED BY I-125	2/17	2/19	PASS AS AMENDED	2/20	VOTE: 11-5	2/20
HB0579	KITZENBERG, SAM	REVISE ETHICS LAWS GOVERNING PUBLIC OFFICERS AND EMPLOYEES	2/18	2/19	PASS AS AMENDED	2/20	VOTE: 12-4	2/20
HJ0004	MCCANN, MATT	JOINT RESOLUTION REQUESTING STUDY OF STATE PROPERTY MANAGEMENT	1/06	1/21	DO PASS	1/22	VOTE: 16-0	1/23
HJ0006	HEAVY RUNNER, GEORGE	AUTHORIZE PERMANENT DISPLAY OF WOMEN LEGISLATOR PLAQUE	1/18	1/29	DO PASS	1/29	VOTE: 16-0	1/30
HJ0012	PAVLOVICH, BOB	RESOLUTION URGING CONGRESS TO ALLOW DISABILITY & RETIREMENT FOR VETERANS	1/31	2/07	DO PASS	2/07	VOTE: 12-3	2/08
HJ0016	PAVLOVICH, BOB	RESOLUTION COMMEMORATING 163RD INFANTRY REGIMENT MT ARNG	2/06	2/12	DO PASS	2/12	VOTE: 16-0	2/13

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT DENNY**, on February 18, 1997, at 9:00 a.m., in room 420.

ROLL CALL

Members Present:

Rep. Matt Denny, Chairman (R)
Rep. Matt Brainard, Vice Chairman (Majority) (R)
Rep. Antoinette R. Hagener, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Haley Beaudry (R)
Rep. Tim Dowell (D)
Rep. Harriet Hayne (R)
Rep. George Heavy Runner (D)
Rep. Sam Kitzenberg (R)
Rep. Norm Mills (R)
Rep. Doug Mood (R)
Rep. William Rehbein, Jr. (R)
Rep. Trudi Schmidt (D)
Rep. Dorothy C. Simpson (D)
Rep. Allan Walters (R)
Rep. Bill Whitehead (D)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Services Division
Keri Burkhardt, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJR 22, HB 534 (2/13/97); HB 550 (2/14/97); HB 568 (2/15/97).

Executive Action: HB 394, HB 496, SB 76, HB 568, HJR 22, HB 121, HB 173, HB 142 HB 550.

EXECUTIVE ACTION ON HB 394

Amendments: hb039403.agp

Motion: REP. KITZENBERG MOVED DO PASS.

{Tape: 1; Side: a; Approx. Time Count: .9.}

HEARING ON HB 550

Opening Statement by Sponsor: REP. VICKI COCCHIARELLA, H.D. 64.
{Tape: 1; Side: a; Approx. Time Count: 43.6.}

Proponents' Testimony:

Joe Kerwin, Deputy of Elections and Legislative Bureau, Secretary of State.

{Tape: 1; Side: b; Approx. Time Count: 4.2.}

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 8.7.}

Closing by Sponsor: REP. COCCHIARELLA closes.

{Tape: 1; Side: b; Approx. Time Count: 8.8.}

EXECUTIVE ACTION ON HB 550

RECORDER WAS NOT OPERATING DURING EXECUTIVE ACTION ON HB 550.

Motion/Vote: DO PASS. Motion carried 16-0.

HEARING ON HB 568

Opening Statement by Sponsor: REP. KARL OHS, H.D. 33.
{Tape: 1; Side: b; Approx. Time Count: 9.}

Proponents' Testimony:

Brigadier General Hal Stearns, Montana Army National Guard.

{Tape: 1; Side: b; Approx. Time Count: 10.1.}

Brian Cockhill, Montana Historical Society.

{Tape: 1; Side: b; Approx. Time Count: 14.}

Stuart Napp, Commissioner of Higher Education, Board of Regents.

{Tape: 1; Side: b; Approx. Time Count: 21.6.}

Marcia Staigmiller, Lewis and Clark Trail Heritage Foundation,
Lewis/Clark Interpretive Association, Lewis/Clark Honor Guard,
and Lewis/Clark Interpretive Fund, Inc.

EXHIBIT 1-8.

{Tape: 1; Side: b; Approx. Time Count: 25.4.}

John Levli, Director of Museums, Fort Benton.

{Tape: 1; Side: b; Approx. Time Count: 29.5.}

Stuart Doggett, Montana Innkeepers Association.

{Tape: 1; Side: b; Approx. Time Count: 31.8.}

Matthew Cone, Administrator, Department of Commerce.

{Tape: 1; Side: b; Approx. Time Count: 32.4.}

SENATE STATE ADMINISTRATION

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

HB0550	COCCHIARELLA, VICKI	GENERALLY REVISING AND CLARIFYING WHAT ELECTIONS MAY BE CONDUCTED BY MAIL	3/04	3/11	CONCUR	3/11	VOTE: 6-0	3/14
HB0568	OHS, KARL	LEWIS & CLARK BICENTENNIAL COMMISSION	3/04	3/14	CONCUR AS AMENDED	3/14	VOTE: 6-0	3/17
HB0569	SQUIRES, CAROLYN	ALLOW CERTAIN PERS FIREFIGHTERS TO REMAIN IN PERS INSTEAD TRANSFER TO FURS	3/04	3/20	CONCUR	3/21	VOTE: 5-0	3/22
HB0575	REHBEIN, WILLIAM	REVISE CAMPAIGN FINANCE LIMITS IMPOSED BY I-125	3/04	3/12	CONCUR	3/25	VOTE: 4-2	3/26
HB0579	KITZENBERG, SAM	REVISE ETHICS LAWS GOVERNING PUBLIC OFFICERS AND EMPLOYEES	3/04	3/26	TABLED ON	03/27	VOTE: 6-0	
HJ0004	MCCANN, MATT	JOINT RESOLUTION REQUESTING STUDY OF STATE PROPERTY MANAGEMENT	1/29	3/26	CONCUR AS AMENDED	3/27	VOTE: 6-0	4/03
HJ0006	HEAVY RUNNER, GEORGE	AUTHORIZE PERMANENT DISPLAY OF WOMEN LEGISLATOR PLAQUE	2/04	3/14	CONCUR	3/14	VOTE: 6-0	3/17
HJ0007	PECK, RAY	SUPPORT THE ADMISSION OF TAIWAN INTO THE UNITED NATIONS	2/03	3/21	CONCUR	3/21	VOTE: 6-0	3/22
HJ0012	PAVLOVICH, BOB	RESOLUTION URGING CONGRESS TO ALLOW DISABILITY & RETIREMENT FOR VETERANS	2/17	3/21	CONCUR	3/21	VOTE: 6-0	3/22
HJ0013	CURTISS, AUBYN	RESOLUTION URGING CONGRESS TO AMEND GRAND STAIRCASE-ESCALANTE MONUMENT	3/03	3/25	CONCUR AS AMENDED	3/25	VOTE: 4-2	3/26
HJ0014	CURTISS, AUBYN	MONITOR/STUDY FED. MANDATES; REPORT TO 56TH LEGISLATURE	3/03	3/25	CONCUR	3/25	VOTE: 4-2	3/27
HJ0016	PAVLOVICH, BOB	RESOLUTION COMMEMORATING 163RD INFANTRY REGIMENT MT ARNG	2/19	3/21	CONCUR	3/21	VOTE: 6-0	3/22

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN DON HARGROVE, on March 11, 1997, at 10:04 A.M., in Room 331.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Vivian M. Brooke (D)
Sen. Delwyn Gage (R)
Sen. Fred Thomas (R)
Sen. Bill Wilson (D)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Mary Morris, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:	HB 550	3/7	
	HB 394	3/6	
	HB 439	3/6	
	HB 501	3/6	
Executive Action:	HB 439	BCI	6-0
	HB 501	BCI	6-0
	HB 550	BCI	6-0
	SR 9	A	5-1
	HB 193	FAIL	3-3

HEARING ON HB 550

Sponsor:

REP. VICKI COCCHIARELLA, HD 64, MISSOULA

Proponents:

Joe Kerwin, Deputy Secretary of State
Robert Throssell, Montana Association Clerk and Recorders and
Election Administrators
Betty Lund, Ravalli County

Opponents:

None

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA presented HB 550. She pointed out some key words, such as "not mandatory". This would allow for certain elections to be held by mail if the Elections Clerk chooses to do that. This does not mandate any mail ballot for any reason. Line 9, section 3, does not allow for general, primary or municipal elections as some of those cannot be held by mail. It is not the intent of this bill to have all elections vote by mail. This legislation would allow counties to do this where they could save money by doing a mail ballot rather than setting up a polling place and creating an inconvenience for a couple hundred people on a water district issue, for example, to be able to send that ballot out and save the cost of hiring the employees to have the polling place open.

Proponents' Testimony:

Joe Kerwin, Deputy Secretary of State for Elections testified in support of the bill. He pointed out the importance of making mail ballots easy for counties and local political subdivisions to use. The current restrictions on local governments are not always consistent. There are certain prohibitions and certain allowances for mail ballot elections. This bill would make it simple and expand the ability of counties and local governments to have more flexibility. {Tape: 1; Side: A; Approx. Time Count: 4.0-7; Comments: pointed out those elections allowable by mail ballot.}

Robert Throssell, Montana Association of Clerk and Recorders and Election Administrators spoke in support of HB 550. The bill gives flexibility particularly to the small local districts to conduct their elections by mail which is cost effective.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SEN. GAGE asked Mr. Kerwin to clarify the number of mail ballots that could be conducted on the same day. Mr. Kerwin replied that currently there could not be a mail ballot election and a regular election going on at the same time. However, there is a loophole that could allow for that. If there are two elections going on they have to be uniform, either by mail ballot or both have to be at the polls. Additionally, if the election is by mail ballot it has to be conducted by the same person, such as the county election administrator.

CHAIRMAN HARGROVE asked Mr. Throssell if mail ballots were more cost effective. Mr. Throssell replied that the hiring of election judges, getting a polling place, having that polling place open such as small school district is a tradeoff since there are a very finite number of electors to hold that polling place open for the entire day for a small number of people to come in. The mail ballots have been shown to be less expensive. It also depends on how extensive the election is, such as a special election on one issue which would impact the cost. House Bill 550 would give the local governments options to coordinate the elections, and choose the most efficient method both in the number of voters and the cost, depending on the particular situation. {Tape: 1; Side: A; Approx. Time Count: 18.3; Comments: examples of mosquito, sewer, water, fire, park districts.}

Closing by Sponsor:

REP. VICKI COCCHIARELLA said this was a very limited opening of the mail ballot process for the sake of improving voter turnout in the small elections and also for efficiency in government. The U.S. Post Office wanted this bill to be all expansive, all inclusive, because it would be a money maker for them to be able to have general and primary elections by ballot. They did a survey of the Montana Clerk and Records Association and they agreed mail ballots should be an option for Montana voters.

Sen. Fred Van Valkenburg will carry the bill.

HEARING ON HB 501

Sponsor: REP. DOUG WAGNER, HD 83, Hungry Horse

Proponents:

None

Opponents:

None

Opening Statement by Sponsor:

REP. DOUG WAGNER, HD 83, Hungry Horse, presented HB 501. The bill is at the request of one of his constituents. This bill would change when a school board holds an election in conjunction with a bond issue that is not in conjunction with a regular school bond election.

Proponents' Testimony:

None

Closing by Sponsor:

REP. VICKI COCCHIARELLA closed. Sen. Brooke will carry the bill.

EXECUTIVE ACTION ON SR 9

Discussion: SEN. BROOKE noted that Pat Graham was very professional. CHAIRMAN HARGROVE agreed.

Motion/Vote: The motion was made to confirm Patrick Graham as Director of Fish, Wildlife and Parks. The question was called. The motion PASSED with one no vote by Sen. Mesaros.

EXECUTIVE ACTION ON HB 550

Motion/Vote: SEN. VIVIAN BROOKE moved HB 550. The question was called. The motion PASSED UNANIMOUSLY. Sen. Fred Van Valkenburg will carry the bill.

EXECUTIVE ACTION ON HB 501

Motion/Vote: SEN. KEN MESAROS moved HB 501. The question was called. The motion PASSED UNANIMOUSLY. Sen. Harp will carry the bill.

EXECUTIVE ACTION ON HB 439

Motion/Vote: SEN. BROOKE moved do concur HB 439. The question was called. The motion PASSED UNANIMOUSLY. Sen. Brooke will carry the bill.

EXECUTIVE ACTION ON HB 193

Discussion: CHAIRMAN HARGROVE said he had talked to the auditor, Mr. Seacat, who said he would be a witness if necessary but would prefer not to. The changes on 13-20 on page 2 is basically the way they operate now, though it is not in law. The only change would be "funds or property" since they have only dealt with funds. The records are confidential, some by law. This is public money. Some of the money does get donated and finds its way into the foundation where it is no longer visible.

Motion/Vote: SEN. MESAROS moved do concur HB 193.

SEN. BROOKE said she had some concerns. She noted Leroy Schramm mentioned a broader entity than the university. SEN. MESAROS